

Interrogation Record

Interrogation under 2018 United States Assistance Trade Secrets Case No. 1, at 2:45 PM on January 29, 2019, in Investigation Room No. 14, Taiwan Taichung District Prosecutors Office, personnel in attendance as follows:

Prosecutor: CHEN Liwei Clerk: CHEN Yiching

Those present as follows:

Roll Call: Present

Prosecutor requested the name, age, address, and National Identification Number

Witness response:

WU Kunrong

Born on

National Identification Number:

Established Registration: No

Contact Telephone Number:

Prosecutor stated the obligations of an affidavit and the penalty for perjury.

Prosecutor advised as to the provisions of Article 180, Section 1, and Article 181 of the Code of Criminal Procedure.

Article 180, Section 1, of the Code of Criminal Procedure stipulates that: "A witness may refuse to testify under one of the following circumstances: (1) Currently or formerly being the spouse, lineal blood relative, collateral blood relative within the third degree of kinship, relative by marriage within the second degree of kinship, head of household, or dependent of the defendant or private prosecutor. (2) Being betrothed to the defendant or private prosecutor. (3) Currently or formerly being the statutory agent of the defendant or private prosecutor, or where the defendant or private prosecutor currently or formerly served as one's statutory agent."

Article 181 of the Code of Criminal Procedure stipulates that: "The witness may refuse to testify if the testimony may subject himself or a person having a relationship to him as in Section 1 of the preceding article to criminal prosecution or punishment."

Question: Your educational background?

Answer: Mechanical Master's.

Question: Where do you currently work? How long have you worked there?

Answer: I hold a position at Fujian Jinhua Integrated Circuit Co., Ltd. (referred to below as Jinhua Co.), I started holding the position in September 2016 under the Western calendar, my current job title is Deputy Chief Operating Officer, and I am primarily responsible for factory operations, that is, mass production at the factory and the areas related to production all fall under the scope of the work of the Deputy Chief Operating Officer.

Question: Before you were at Jinhua Co., where were you working?

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Answer: I previously held a position at Powerchip Semiconductor Corporation (referred to below as Powerchip Corporation), I started holding the position around 1995 or 1996 under the Western calendar, and I resigned in July 2016; at Powerchip Corporation, my last job title was Deputy Chief Research and Development Officer, and I was responsible for the development of logic technology and FLASH products.

Question: By what channels did you take the position at Jinhua Co.?

Answer: I have been acquainted with CHEN Chengkun for many years, CHEN Chengkun was my supervisor when I previously held the position at Powerchip Corporation, and we have always kept in touch; in my last few years at Powerchip Corporation, I was not very satisfied with the work I was doing, and after I a discussion with CHEN Chengkun, I learned that there was this opportunity to go to Jinhua Co.; later, I had an interview with CHEN Chengkun, it's been kind of a long time since the interview, I can't remember, the location was likely Hsinchu, I can't really remember the actual address, and the people taking part in the interview were just me and CHEN Chengkun.

Question: While carrying out the interview, how did CHEN Chengkun introduce the work you were to perform?

Answer: Because CHEN Chengkun and I have been acquainted for a very long time, and before he had also been my supervisor, he just said to me that the contents of the new job were to be responsible for work related to mass production of DRAM, and for the part about the salary, I provided my salary at Powerchip to CHEN Chengkun for reference.

Question: At the time, did CHEN Chengkun specifically mention your job title at Jinhua Co.?

Answer: He mentioned that it was to serve as the Deputy Chief Operating Officer.

Question: Before you went to Jinhua Co., apart from CHEN Chengkun, were you acquainted with other employees at Jinhua Co.?

Answer: No.

Question: You currently serve as Deputy Chief Operating Officer at Jinhua Co., what organizations are below the Deputy Chief Operating Officer?

Answer: Under my jurisdiction, within the factory, there's the Manufacturing Division and the Process Technology Division, and outside the factory, there's the Integration Technology Division, and the Quality Division.

Question: What is the organization above you at Jinhua Co.?

Answer: There is the president CHEN Chengkun, above the president is the board of directors, there are around 5 or 7 directors, and the current board chair is LU Wensheng, of Mainland nationality.

Question: The United Microelectronics Corporation was carrying out DRAM research and development from 2015 to 2017, do you have knowledge of these processes?

Answer: I don't know, I didn't arrive at Jinhua Co. until September 2016?

Question: Where are the headquarters of Jinhua Co.?

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Answer: In Jinjiang City, Quanzhou, Fujian Province.

Question: Which people are the financiers of Jinhua Co.?

Answer: Chiefly, there is the Fujian Electronics and Information Group, as well as industrial investment companies in Quanzhou and Jinjiang, I can't remember the company names.

Question: Is Jinhua Co. classified as a private company, or does it receive government funding from the Mainland region?

Answer: As far as I know, there is funding from the governments of Quanzhou and Jinjiang in Fujian.

Question: What products is Jinhua Co. currently producing?

Answer: Jinhua Co. currently has no production.

Question: What business is Jinhua Co. currently engaging in?

Answer: Following the United States embargo, we currently have no way to engage in production.

Question: Where did Jinhua Co.'s capabilities in DRAM technology come from, did it commission United Microelectronics Corporation for development?

Answer: I didn't arrive at Jinhua Co. until September 2016, I heard that Jinhua Co. had commissioned United Microelectronics Corporation to carry out DRAM development.

Question: Are you aware of the names of the DRAM technology for which Jinhua Co. commissioned United Microelectronics Corporation to carry out development?

Answer: I've heard about them, one is F32, and the other is F32S.

Question: What is the meaning of F32? What is the meaning of F32S?

Answer: I've heard about it, in my experience making semiconductors, DRAM F32 refers to values computed using cell size, and F32S is the miniaturization of F32; in other words, F32S is more advanced than F32.

Question: Are you aware of the DRAM technology contract agreement signed by United Microelectronics Corporation and Jinhua Co., and that Jinhua Co. is going to pay 4 hundred million USD to United Microelectronics Corporation?

Answer: I've heard about it.

Question: Of the aforesaid 4 hundred million USD, how much money has Jinhua Co. already paid to United Microelectronics Corporation? When was it paid?

Answer: I'm not clear on the detailed amounts, the detailed payment schedule, I'm not clear, have to look at the contract.

Question: With respect to the above technology contract agreement, within Jinhua Co., who would know the most about how much money has already been paid to United Microelectronics Corporation?

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Answer: The Financial Division of Jinhua Co. is likely the most clear on it; the Financial Division is directly subordinate to the president's unit, and the head of the Financial Division is currently WU Junsheng, of Mainland nationality.

Question: You serve as the Deputy Chief Operating Officer at Jinhua Co., are there parts of the technology contract agreement signed between the two companies which you are responsible for overseeing?

Answer: What I am responsible for is, once the technological development is complete, transferring to Jinhua Co. to carry out mass production of DRAM.

Question: Has the transfer already been completed for the DRAM technology developed by United Microelectronics Corporation on behalf of Jinhua Co.?

Answer: It still has not been fully completed, in terms of completing the development of a technology, it is necessary to have related data and verification, and as of the present, I certainly have not obtained all of the data.

Question: Can you concretely describe which data Jinhua Co. has already obtained?

Answer: It's primarily data on equipment parameters and process parameters.

Question: By what means were these data delivered to Jinhua Co.?

Answer: Via electronic files.

Question: When was the delivery of the above-mentioned data completed?

Answer: It was around the period of August or September 2018.

Question: According to the technology contract agreement signed by both parties, what data does United Microelectronics Corporation still have to deliver?

Answer: This question is too broad, I don't know how to answer.

Question: To rephrase, United Microelectronics Corporation currently has not yet completely fulfilled the technology contract agreement, the obligations for which it shall bear responsibility?

Answer: It still is not completely fulfilled.

Question: Does Jinhua Co. have a designated individual, or which department receives the DRAM technology transferred by United Microelectronics Corporation?

Answer: Jinhua Co. has a corresponding window, which is the Process Technology Division, as well as the Integration Technology Division, the head of the Process Technology Division is YING Tsunghua, and the head of the Integration Technology Division is CHEN Huihuang.

Question: The companies at which YING Tsunghua and CHEN Huihuang previously held positions?

Answer: Both of them were also my former colleagues at Powerchip Semiconductor Corporation of Taiwan.

Question: Apart from having to deliver documents on DRAM technology to Jinhua Co., does United Microelectronics Corporation also have to help Jinhua Co. train technical personnel?

Answer: It certainly does not have this obligation.

Question: Jinhua Co. just receives the technical documents, and right away has the means to produce DRAM?

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Question: From what I understand, the contents of the contract signed by both parties also include that United Microelectronics Corporation must send technical personnel to assist in the construction of production lines, but after this phase was initiated, it then immediately ended, because the United States had implemented the embargo, and United Microelectronics Corporation immediately recalled the technical personnel.

Question: As far as you know, which departments of United Microelectronics Corporation transferred the DRAM technology to Jinhua Co.?

Answer: The contact window was PROJET M [sic] at United Microelectronics Corporation; two or three divisions were established under this organization, and the people in charge were RONG Letien and TSOU Shihfang.

Question: The person in charge responsible for the technology transfer at United Microelectronics Corporation?

Answer: That was TSOU Shihfang, it seems like his job title was assistant manager or the division head.

Question: Did Jinhua Co. ever send personnel to United Microelectronics Corporation, to inspect the situation of the aforementioned transfer of DRAM technology carried out by United Microelectronics Corporation?

Answer: Using the word inspect is not very apt, for Jinhua Co. to receive the technology, it had to understand the progress, and also had to understand the equipment specifications which were required, or the materials required, before it could make preparations for production line construction at the factory; throughout 2017 and 2018, Jinhua Co. was sending people to the Southern Taiwan Science Park of United Microelectronics Corporation, and they could only learn about the situation; with the business travel permit they used at United Microelectronics Corporation, these personnel from Jinhua Co. could only be in the conference rooms and dining halls, they could not enter the production lines and conference rooms at United Microelectronics Corporation; all of the people from Jinhua Co. left United Microelectronics Corporation in June 2018 at the latest, Jinhua Co.'s factory had been built, and these people had to return to make preparations.

Question: As far as you know, according to the contract signed by both parties, after United Microelectronics Corporation completed the transfer of the DRAM technology, under whose ownership did said technology belong?

Answer: From what I understand of the contract, the technology was jointly owned by both parties.

Question: Were Jinhua Co. or United Microelectronics Corporation going to carry out further research with respect to the transferred DRAM technology?

Answer: I don't know much about this issue, because as of the present, the technology still has not been completed, how would Jinhua Co. carry out further research?

Question: What is the current business relationship between Jinhua Co. and United Microelectronics Corporation?

Answer: The contract is still there, but United Microelectronics Corporation has temporarily stopped the execution of the contents of the contract.

Question: As far as you know, how many people have held positions at United Microelectronics Corporation while simultaneously signing consultant contracts or labor contracts with Jinhua Co.?

Answer: As far as I know, there were likely no more than 10 consultants; as for labor contracts, in theory, there likely would not be any.

apart from CHEN Chengkun, he had received approval from the Board of Directors of United Microelectronics Corporation allowing him to simultaneously hold a position at Jinhua Co., for other people that was likely impossible.

Question: Do you know the reason why people holding positions at United Microelectronic Corporation simultaneously signed the consultant contracts provided by Jinhua Co.?

Answer: This isn't business for which I am responsible; I heard that the salary at United Microelectronics Corporation certainly cannot meet the requirements of a foreigner or an engineer with respect to salary, so there are a small number of personnel who satisfy needs in this area by signing consultant contracts with Jinhua Co.

Question: Corresponding to this type of consultant, did they work at Jinhua Co. or United Microelectronics Corporation?

Answer: This type of personnel primarily engaged in DRAM technology development for the contract between the two parties, they worked within United Microelectronics Corporation.

Question: As far as you know, what was the time period in which CHEN Chengkun simultaneously served as President of Jinhua Co. while also serving as a Senior Vice President at United Microelectronics Corporation?

Answer: I'm not very clear on the time period.

Question: Do you know of HO Chienting?

Answer: Before the Taiwan prosecutors and investigators conducted the search, I was not aware of this person; later, I saw the news online.

Question: Did HO Chienting sign a consultant contract with Jinhua Co.?

Answer: It would be necessary to ask the Personnel Department about this to know.

Question: Have you heard of WANG Yongming?

Answer: Similarly, after the Taiwan prosecutors and investigators conducted the search, I learned of this person online.

Question: You said just now that some personnel carrying out the development of DRAM technology at United Microelectronics Corporation simultaneously also signed consultant contracts provided by Jinhua Co., and that this type of personnel would not exceed 10 individuals, would these individuals go to Jinhua Co. to engage in technical assistance?

Answer: No.

Question: The above-mentioned personnel, not exceeding 10 individuals, which names do you know of?

Answer: Because this is not business that I handle, I don't know about the personnel in detail.

Question: Does CHEN Chengkun currently still serve as president of Jinhua Co.?

Answer: Yes.

Question: Is it the job of the president to supervise the business of Jinhua Co. as a whole?

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Answer: In all of the company's business, it is necessary to answer to the board of directors of Jinhua Co.

Question: Do you know whether Jinhua Co. was independently researching and developing DRAM technology before Jinhua Co. and United Microelectronics Corporation carried out the technological cooperation?

Answer: Jinhua Co. never independently researched and developed DRAM.

Question: Are you aware of the source of the DRAM technology of United Microelectronics Corporation?

Answer: According to my understanding of United Microelectronics Corporation, United Microelectronics Corporation had DRAM development and mass production early on, it has production experience, and United Microelectronics Corporation is engaged in logic subcontracting, it is the world's second or third-largest manufacturer, and it has certain capabilities for research and development.

Question: According to what you know, United Microelectronics Corporation was engaging in DRAM research and development early on, why did it not continue?

Answer: I cannot stand for United Microelectronics Corporation in answering, the DRAM industry has very big fluctuations, early on there were 20 or 30 companies in the world, and as of the present, only 3 big companies remain; United Microelectronics Corporation later solely focused on logic subcontracting, this is my personal conjecture.

Question: You said just now that there is an organization at United Microelectronics Corporation, PROJECT M, which is responsible for delivering the DRAM technology and documents to Jinhua Co., so it is this organization that's responsible for carrying out the matter of technological cooperation between United Microelectronics Corporation and Jinhua Co.?

Answer: The agreement between the two parties involves not just technology, it also includes business affairs and financial affairs, but in relation to engineering, it is PROJECT M that's handling it.

Question: Do you know who or which department at Jinhua Co. submitted the DRAM patent application in China?

Answer: As far as I know, the agreement clearly recorded that the developed technology is owned by both parties, the patent should have been a joint application by Jinhua Co. and United Microelectronics Corporation, that is, the patent owners include United Microelectronics Corporation and Jinhua Co.; the patent application documents were provided by the development end, namely, United Microelectronics Corporation, and United Microelectronics Corporation delivered the documents to the Patent Office, and then the Patent Office ran the process.

Question: Which department or which individual at United Microelectronics Corporation was responsible for preparing the patent application documents?

Answer: I'm not clear on the details, submitting the documents was likely the responsibility of engineering at United Microelectronics Corporation, so they were submitted by PROJECT M.

Question: Same as above, who or which department at Jinhua Co. submitted the patent application in the United States?

Answer: Same as above, it was again the engineering department at United Microelectronics Corporation which prepared the documents, delivered them to the Patent Office, and had the Patent Office submit the application in the United States, registering the two companies Jinhua Co. and United Microelectronics Corporation as the patent owners.

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Question: Do you know if the patent application documents submitted to the United States by United Microelectronics Corporation and Jinhua Co. ever recorded HO Chienting as the patent inventor?

Answer: I'm not sure.

Question: You said just now that Jinhua Co. currently is not producing DRAM, its business at present?

Answer: Because there is currently an embargo, we can only carry out equipment installations, and process adjustments.

Question: Jinhua Co. has currently already completed the arrangement of the production line, it only lacks raw materials?

Answer: It still has not passed validation, can't say that the arrangement is complete.

Question: How many factories has Jinhua Co. established in the park zone?

Answer: There is currently one factory over in Jinjiang.

Question: Has Jinhua Co. produced DRAM chips which can be provided for testing?

Answer: We have chips for the purpose of carrying out engineering analysis, around 3 or 5 chips.

Question: Produced and then provided to whom for analysis?

Answer: There are the engineering personnel at Jinhua Co., it's just functional analysis, and cannot be referred to as the yield.

Question: Does the yield require mass production before it can be referred to as yield?

Answer: No, it's still necessary to add in the testing conditions, for instance, the testing conditions test different voltages, different times or temperatures, under different circumstances, the yield would be different, and because the testing conditions certainly have not been completed, thus there is no so-called yield.

Question: Do you have anything else to add?

Answer: No.

Question: The contents of the prosecutor's interrogation today are classified as confidential contents, and cannot be publicly divulged, are you aware?

Answer: I understand.

Notice was given of invitation to return.

4:12 PM, January 29, 2019

This record has been reviewed as error-free, and is signed below:

Subject of Interrogation: [Signature: WU Kunrong]

Clerk: [Signature: CHEN Yiching]

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Prosecutor: [Signature: Chen Liwei]

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Witness Oath (Before Interrogation)

I appear now in this office as a witness in 2018 United States Assistance Trade Secrets Case No. 1, Defendant: Not Stated, and shall give testimony in accordance with the facts, without concealment, qualification, addition or diminishment.

Witness: [Signature: WU Kunrong]

January 29, 2019

1. The witness shall be asked to read this oath aloud. For those who cannot read it aloud, the clerk shall read it aloud, and shall explain its significance, if necessary.
2. Article 168 of the Criminal Code stipulates that: A witness, expert witness, or interpreter who, during a trial before a government office discharging judicial functions or during interrogation before a prosecutor, who makes a false statement on a matter material to the case, before or after providing an affidavit, shall be sentenced to a fixed term of imprisonment for not more than seven years.
3. Article 180 of the Code of Criminal Procedure stipulates that: A witness may refuse to testify under one of the following circumstances:
  - (1) Currently or formerly being the spouse, lineal blood relative, collateral blood relative within the third degree of kinship, relative by marriage within the second degree of kinship, head of household, or dependent of the defendant or private prosecutor.
  - (2) Being betrothed to the defendant or private prosecutor.
  - (3) Currently or formerly being the statutory agent of the defendant or private prosecutor, or where the defendant or private prosecutor currently or formerly served as one's statutory agent.One who has a relationship as in the preceding section with one or more individuals among the joint defendant or private prosecutors may not refuse to testify where serving as a witness on matters relating only to other joint defendant or other joint private prosecutors.
4. Article 181 of the Code of Criminal Procedure stipulates that: The witness may refuse to testify if the testimony may subject himself or a person having a relationship to him as in Section 1 of the preceding article to criminal prosecution or punishment.
5. Article 183 of the Code of Criminal Procedure stipulates that: A witness who refuses to testify shall clearly state the reasons for the refusal. However, under the circumstances in Article 181, [he or she] shall be ordered to make an affidavit in lieu of giving a clear

Note: For those providing an affidavit in advance, the words "have" and "did not" shall be deleted; for those subsequently providing an affidavit, the words "shall" and "without" shall be deleted.

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